

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Environmental Management Commission intends to adopt the rules cited as 15A NCAC 02B .0701 and .0703 and readopt with substantive changes the rules cited as 15A NCAC 02B .0229, .0232, .0234-.0240 and .0255-.0258.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://deq.nc.gov/permits-regulations/rules-regulations/proposed-rules>

Link to Public Notices and Hearings: <https://deq.nc.gov/news/events/public-notice-hearings>

Proposed Effective Date: November 1, 2019

Public Hearing:

Date: March 26, 2019

Time: 6:00 p.m.

Location: Administration Building Auditorium, Lenoir Community College, 231 North Carolina Hwy 58, Kinston, NC 28504

Public Hearing:

Date: March 28, 2019

Time: 6:00 p.m.

Location: Council Chambers, Clayton Town Hall, 111 E 2nd Street, Clayton, NC 27520

Reason for Proposed Action: This package of rules has been proposed by the Environmental Management Commission to meet the requirements of G.S. 150B-21.3A "Periodic Review and Expiration of Existing Rules."

See attached table for cross references of rules being amended and transferred from .0200 Section to .0700 Section.

The Commission specifically requests comment on rule language options proposed in 15A NCAC 02B .0703(d)(3) regarding the generation of nutrient offset credits and stream, buffer, or wetland mitigation credits in spatially overlapping areas.

NC OAH – Notice of Text

Form .0300 Block 7 – Cross Reference Table for Rules 15A NCAC 02B .0701, .0703, .0710-.0713, .0730-.0733, .0236, .0237, .0239, .0255, and .0257

CURRENT CITATION		NEW CITATION		Description
Rule Citation	Rule Title	Rule Citation	Rule Title	
N/A	N/A	15A NCAC 02B .0701	Nutrient Strategies Definitions	New Rule
15A NCAC 02B .0240	Nutrient Offset Payments	15A NCAC 02B .0703	Nutrient Offset Credit Trading	Readopt w/ Substantive Changes & Transfer Rule
15A NCAC 02B .0232	Neuse River Basin – Nutrient Sensitive Waters Management Strategy: Basin Reduction Goal	15A NCAC 02B .0710	Neuse Nutrient Strategy: Purpose & Scope	Readopt w/ Substantive Changes & Transfer Rule
15A NCAC 02B .0235	Neuse River Basin – Nutrient Sensitive Waters Management Strategy: Basinwide Stormwater Requirements	15A NCAC 02B .0711	Neuse Nutrient Strategy: Stormwater	Readopt w/ Substantive Changes & Transfer Rule
15A NCAC 02B .0238	Neuse River Basin – Nutrient Sensitive Waters Management Strategy: Agriculture Nitrogen Reduction Strategy	15A NCAC 02B .0712	Neuse Nutrient Strategy: Agriculture	Readopt w/ Substantive Changes & Transfer Rule
15A NCAC 02B .0234	Neuse River Basin – Nutrient Sensitive Waters Management Strategy: Wastewater Discharge Requirements	15A NCAC 02B .0713	Neuse Nutrient Strategy: Wastewater Discharge Requirements	Readopt w/ Substantive Changes & Transfer Rule

CURRENT CITATION		NEW CITATION		Description
Rule Citation	Rule Title	Rule Citation	Rule Title	
N/A	N/A	15A NCAC 02B .0730	Tar-Pamlico Nutrient Strategy: Purpose & Scope	New Rule
15A NCAC 02B .0258	Tar-Pamlico River Basin – Nutrient Sensitive Waters Management Strategy: Basinwide Stormwater Requirements	15A NCAC 02B .0731	Tar-Pamlico Nutrient Strategy: Stormwater	Readopt w/ Substantive Changes & Transfer Rule
15A NCAC 02B .0256	Tar-Pamlico River Basin – Nutrient Sensitive Waters Management Strategy: Agriculture Nutrient Control Strategy	15A NCAC 02B .0732	Tar-Pamlico Nutrient Strategy: Agriculture	Readopt w/ Substantive Changes & Transfer Rule
15A NCAC 02B .0229	Tar-Pamlico River Basin – Nutrient Sensitive Waters Management Strategy: Nutrient Offset Payments For Non-Tar-Pamlico Basin Association Members	15A NCAC 02B .0733	Tar-Pamlico Nutrient Strategy: New And Expanding Wastewater Discharger Requirements	Readopt w/ Substantive Changes & Transfer Rule
15A NCAC 02B .0236	Neuse River Basin – Nutrient Sensitive Waters Management Strategy: Agriculture Nitrogen Loading Reduction	N/A	N/A	Rule Repealed
15A NCAC 02B .0237	Best Management Practice Cost-Effectiveness Rate	N/A	N/A	Rule Repealed
15A NCAC 02B .0239	Neuse River Basin – Nutrient Sensitive Waters Management Strategy: Nutrient Management	N/A	N/A	Rule Repealed
15A NCAC 02B .0255	Tar-Pamlico River Basin – Nutrient Sensitive Waters Management Strategy: Agriculture Nutrient Loading Goals	N/A	N/A	Rule Repealed
15A NCAC 02B .0257	Tar-Pamlico River Basin – Nutrient Sensitive Waters Management Strategy: Nutrient Management	N/A	N/A	Rule Repealed

Comments may be submitted to: John Huisman, NCDEQ/Division of Water Resources-Nonpoint Source Planning Branch, 1611 Mail Service Center, Raleigh, NC 27699-1611; phone (919) 707-3677; email nps-comments@ncdenr.gov

Comment period ends: April 16, 2019

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☒ State funds affected
- ☐ Environmental permitting of DOT affected
- ☐ Analysis submitted to Board of Transportation
- ☒ Local funds affected
- ☒ Substantial economic impact (\geq \$1,000,000)
- ☒ Approved by OSBM
- ☐ No fiscal note required by G.S. 150B-21.4
- ☐ No fiscal note required by G.S. 150B-21.3A(d)(2)